

**SOP Title: Preparing and Submitting Federal Register Documents****June 22, 2005****Deputy Area/Division: Deputy Chief for Management, Management Services Division****Revision:****Page 1 of 19****1. Purpose:**

To provide the Standard Operating Procedure (SOP) for preparing and submitting Federal Register documents to the Federal Register Liaison Officer.

**2. Scope:**

This SOP will be followed by employees responsible for preparing and submitting Federal Register documents for publication.

**3. Outline of Procedures:**

- 4.1 Types of Federal Register Documents
- 4.2 Preparing and Submitting Federal Register Documents

**4. Specific Procedures:**

## 4.1 Types of Federal Register Documents

- A. Proposed Rules solicit public comments on an agency's rules and encourage public participation in the rulemaking process. (See exhibit 1.)
- B. Final Rules amend the Code of Federal Regulations (CFR) by adding new text and revising or removing existing text (temporary, interim, and final rules). (See exhibit 2.)
- C. Notices provide information to the public that:
  - 1. Do not have regulatory text.
  - 2. Do not impose requirements with general applicability and legal effect.
  - 3. Do not affect rulemaking proceedings that announce meetings, notices of availability of certain environmental impact statements, and notices of intent. (See exhibit 3.)

NOTE: To change or delete a previously published Federal Register document contact the Federal Register Liaison Officer at USDA/NRCS/GWCC, ATTN: Teresa Davis, 5601 Sunnyside Avenue, Building 1-2178 A, Beltsville, MD 20705, Telephone (301) 504-2172; Fax (301) 504-2161, or e-mail [teressa.davis@wdc.usda.gov](mailto:teressa.davis@wdc.usda.gov).

**DIST: E**

## 4.2 Preparing and Submitting Federal Register Documents

### A. Responsibilities of the Author

For more comprehensive information go to <http://www.archives.gov/federal-register/write/handbook/> select "Document Drafting Handbook."

1. Prepare double-spaced document in MS Word. Number the pages beginning with the first page of the document. Center the numbers at the bottom of the page. (See exhibits 1, 2, or 3.)
2. Send 1 original, 2 copies, and 1 (3.5) floppy diskette to the Federal Register Liaison Officer. (See exhibit 4.)
3. Sign the original and both copies in blue ink.
4. Allow 3 to 5 business days for processing.

### B. Responsibilities of the Federal Register Liaison Officer

1. Receive and review Federal Register documents.
2. Forward Rule documents to the Information Collection Coordinator for review.
3. Prepare and attach a cover letter to the documents before forwarding them to the Office of the Federal Register.
4. Inform the author of any changes that may occur prior to receiving the publication date from the Office of the Federal Register.
5. Inform the author when the Office of the Federal Register sets the publication date.

**5. Technical Contact:**

/s/	6/22/05
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Approved By: Teressa Davis	Date
Federal Register Liaison Officer, Records & Directives Management Team	
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Approved By: Edward M. Biggers, Jr.	Date
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## **Exhibit 1 – Proposed Rule Document**

**BILLING CODE 3410-16-P**

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**Natural Resources Conservation Service**

**7 CFR Part 1466**

**Environmental Quality Incentive Program**

**AGENCY:** Commodity Credit Corporation and the Natural Resources Conservation Service, USDA.

**ACTION:** Proposed Rule Request for public comments.

**SUMMARY:** Under the regulations of the Commodity Credit Corporation for the Environmental Quality Incentives Program (EQIP), the Natural Resources Conservation Service (NRCS) will review and update national priorities for implementation based upon information gained from state and national listening sessions and response to this document. This document requests the public to provide input to NRCS about which resource concerns should be given national priority in the implementation of EQIP for FY 2006 and thereafter.

**DATES:** Comments must be received in writing by June 5, 2005. A national listening session will be on May 5, 2005, 1 to 2 p.m., Media Center, Room 107A, Whitten Building, 14th & Independence Avenue, SW., Washington, DC. The national listening session will be chaired by Bruce I. Knight, Chief, NRCS.

**ADDRESSES:** Send written comments by mail to the Financial Assistance Programs Division, Natural Resources Conservation Service, EQIP Comments, Room 5231 South Office Building, 14th & Independence Avenue, SW., Washington, DC 20250 or by e-mail to

david.webster@usda.gov; Subject: EQIP Comments. This request for comments may also be accessed via the Internet through the NRCS homepage, at <http://www.nrcs.usda.gov>, and by selecting ``Farm Bill 2002". All comments that are submitted, including names and addresses when provided, are placed in the record and are available for public inspection.

**FOR FURTHER INFORMATION CONTACT:** David Webster, EQIP Specialist, Financial Assistance Programs Division, NRCS, Room 5231 South Office Building, 14th & Independence Avenue, SW., Washington, DC 20250; telephone: (202) 720-5742; fax: (202) 720-4265; submit e-mail to: david.webster@usda.gov, Attention: Environmental Quality Incentive Program comments.

**SUPPLEMENTARY INFORMATION:**

General Information About the Environmental Quality Incentive Program

The Farm Security and Rural Investment Act of 2002 (the 2002 Act) (Pub. L. 107-171, May 13, 2002) re-authorized and amended EQIP, 16 U.S.C. 3840 et seq. NRCS is seeking public comment to help the agency review and assess the national priorities for EQIP.

Background

Through EQIP, NRCS assists farmers and ranchers who face threats to soil, water, air, and related natural resources on their land. Eligible lands for EQIP assistance include grazing lands, wetlands, private non-industrial forestland, and wildlife habitat lands. Participation in the program is voluntary. Under EQIP, NRCS provides assistance in a manner that promotes agricultural production and environmental quality as compatible goals, optimizes environmental benefits, and helps farmers and ranchers meet Federal, State, and local environmental requirements. NRCS offers the program throughout the Nation using the services of NRCS personnel and technical service providers.

NRCS' approach to optimize environmental benefits integrates consideration of national priorities in four key program components: (1) The allocation of financial resources to States; (2) the allocation of financial resources within States; (3) the selection of conservation practices and the establishment of cost-share and incentive payment levels; and (4) the application ranking process.

With consideration and evaluation of the input obtained from this public notice and the public meetings, NRCS will update its national priorities to reflect our most pressing natural resource needs and emphasize off-site benefits to the environment. In the EQIP final rule, published May 30, 2003 (68 FR 32337), NRCS identified the following national priorities: (1) Reduction of non-point source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with Total Daily Maximum Loads (TMDL's), where available, as well as the reduction of groundwater contamination and the conservation of ground and surface water resources; (2) reduction of emissions, such as particulate matter, nitrogen oxides (NO<sub>2</sub>), volatile organic compounds, and ozone precursors and depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards; (3) reduction in soil erosion and sedimentation from unacceptable levels on agricultural land; and (4) promotion of at-risk species habitat conservation.

In establishing the promotion of at-risk species habitat conservation as a national priority, NRCS recognizes unique local situations have the potential to add to federally-listed and candidate species. NRCS supports activities that will reduce the need for additional regulation, but will monitor implementation of this aspect of the program to assure that primary focus is listed and candidate species.

NRCS has also identified national measures that can help EQIP achieve its national priorities and statutory requirements more efficiently. These measures include identifying and

implementing conservation practices that: (1) Increase overall environmental benefits, for example by addressing multiple resource concerns, ensuring more durable environmental benefits and limiting adverse ancillary impacts; (2) encourage innovation; (3) support the statutory mandate to apply nationally 60 percent of available EQIP financial assistance to livestock-related conservation practices; and (4) employ appropriate tools to more comprehensively serve EQIP purposes, such as Comprehensive Nutrient Management Plans and Integrated Pest Management Plans.

In the allocation of EQIP financial resource to States, NRCS uses the national priorities as guidance in helping to determine the amount of funds received by NRCS State Conservationists to use within their States. NRCS also retains a portion of EQIP funding to reward NRCS State operations that demonstrate a higher level of performance and address national priorities. Within States, the NRCS State Conservationists consider national priorities and measures as they allocate funds and determine priority resource concerns within their State. The NRCS State Conservationist, and the NRCS Designated Conservationists in consultation with the local work group, develops an application ranking that reflects both priority resource concerns within States and the national priorities and measures. NRCS will continue to rely on locally-led conservation as an important cornerstone of EQIP. Using a locally-led process ensures consideration of the wide variability between and within States regarding resource issues, solutions, and limitations. Resource issues and concerns change because of shifts in population, climatic, or consumer habits; and Federal, State and local laws. Likewise, technical solutions evolve with the advent of new technology and the availability of new data on the effectiveness of practices.

As a result, EQIP implementation may vary across jurisdictional boundaries. For example, some States may use State-level based program delivery while others will use county or parish based or regional (multi-county) based delivery.

NRCS is, by this document, requesting the public to provide comment to which natural resource concerns should be given national priority in the implementation of EQIP. NRCS will utilize this input from the public, including affected stakeholders, and Federal agencies to make any revision as required to address emerging resource issues. Information and updates about the national priorities and measures will be provided to the NRCS State Conservationists through revisions to the Conservation Programs Manual, Part 515, Environmental Quality Incentives Program.

Signed in Washington, DC, on March 9, 2005.

Bruce I. Knight,

Chief, Natural Resources Conservation Service, Vice President,

Commodity Credit Corporation.



## **Exhibit 2 - Final Rule Document**

**Billing Code 3410-16**

**DEPARTMENT OF AGRICULTURE**

**Natural Resources Conservation Service**

**7 CFR 611**

**Soil Surveys**

**AGENCY:** Natural Resources Conservation Service, USDA

**ACTION:** Final Rule

**SUMMARY:** The Natural Resources Conservation Service, United States Department of Agriculture, is amending 7 CFR 611 to reflect current law and contemporary conditions. The new rule clarifies soil survey operations and content of soil survey information; increases flexibility in disseminating soil surveys, including electronic dissemination; eliminates specific requirements to print and distribute soil survey reports; and corrects mailing addresses.

These amendments are non-controversial changes to an existing regulation and are required to bring the regulation in conformity with statute. Therefore, NRCS believes that public notice is not needed and hereby issuing a final rule.

**EFFECTIVE DATE:** [Insert date of publication in FEDERAL REGISTER.]

**FOR FURTHER INFORMATION CONTACT:** Russell Kelsea, National Leader for Soil Survey Technical Services, National Soil Survey Center, Natural Resources Conservation Service, 100 Centennial Mall North, Lincoln, Nebraska 68508, telephone 402-437-5878, email [russ.kelsea@nssc.nrcs.usda.gov](mailto:russ.kelsea@nssc.nrcs.usda.gov).

**SUPPLEMENTARY INFORMATION:**

Executive Order 12866

The Office of Management and Budget has determined that this final rule is not a significant regulatory action as specified in Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this final rule because the Natural Resources Conservation Service is not required by 5 U.S.C. 533, or any other provision of law, to publish a notice of proposed rule making with respect to the subject matter of this rule.

Paperwork Reduction Act and Government Paperwork Elimination Act (GPEA)

No recordkeeping or reporting burden is associated with this rule. NRCS is committed to compliance with GPEA, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. This rule furthers the purposes of GPEA by providing for the electronic dissemination of soil survey information.

Executive Order 12988

This final rule meets the applicable standards of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, NRCS assessed the effects of this rulemaking action on State, local, and Tribal governments, and the public. This action does not compel the expenditure of \$100 million or more by any State, local, or Tribal governments, or anyone in the private sector and, therefore, a statement under section 202 of the Unfunded Mandates Reform Act of 1995 is not required.

## Discussion

Title 7, Code of Federal Regulations, Part 611 implements authorities provided under several public laws. Public Law 74-46 (16 USC 590a-590f, 590q) authorizes USDA to conduct soil surveys and publish the results of such surveys. Public Law 89-560 (42 USC 3271-3274) directs USDA to make soil surveys available to meet the needs of States and other public agencies in connection with community planning or natural resource development.

Since 1968, Public Law 90-620 (at 44 USC 1342) specified that USDA would publish soil survey reports, printed by the Government Printing Office and bound in paper covers. However, that provision was repealed in 1996 by Section 384 of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127.

Given the repeal of 44 USC 1342, there is nothing in law that requires printing of soil survey information in the traditional, paper-bound, published soil survey format. Rather, 42 USC 3271 specifies that USDA should make soil survey information available to meet the needs of States and other public agencies. Many states and other agencies now require soil survey information in electronic format for use in geographic information systems or other database systems. Therefore, the existing rule in 7 CFR 611 is unnecessarily restrictive and is hereby being updated to reflect current technologies, user needs, and changes in law. The new rule does not prohibit USDA from printing soil surveys nor does it require that NRCS change operational procedures or practices. Instead, this final rule provides USDA with flexibility to reduce costs, improve services, and meet e-Government initiatives.

Accordingly, for the reasons stated in the preamble, 7 CFR 611 is amended by replacing the existing rule in its entirety with new text as follows:

## PART 611--SOIL SURVEYS

### Subpart A--General

#### Sec.

611.1 Purpose and scope.

611.2 Cooperative relationships.

### Subpart B--Soil Survey Operations

611.10 Standards, guidelines, and plans.

611.11 Soil survey information.

### Subpart C--Cartographic Operations

611.20 Function.

611.21 Availability of aerial photography.

611.22 Availability of satellite imagery.

Authority: 16 U.S.C. 590a-590f, 590q, 42 U.S.C. 3271-3274.

### Subpart A--General

#### § 611.1 Purpose and scope.

(a) This part sets forth policy on soil survey operations of the Natural Resources Conservation Service (NRCS).

(b) NRCS is responsible for soil survey activities of the U.S. Department of Agriculture (USDA). A soil survey provides (1) an orderly, on-the-ground, scientific inventory of soil resources according to their potentialities and problems of use, and (2) information about each kind of soil in sufficient detail to meet all reasonable needs of farmers, agricultural technicians, community planners, engineers, and scientists in planning and transferring the findings of research and experience to specific land areas.

§ 611.2 Cooperative relationships.

(a) Soil surveys on nonfederal lands are carried out cooperatively with State agricultural experiment stations and other State agencies. The cooperative effort is evidenced in a memorandum of understanding setting forth guidelines for actions to be taken by each cooperating party in the performance of soil surveys. Similar cooperative arrangements exist between NRCS and other federal agencies for soil surveys on federal lands.

(b) Arrangements for nonfederal financial participation in the cost of soil surveys may be made with States, counties, soil conservation districts, planning agencies, and other local groups.

Subpart B--Soil Survey Operations

§ 611.10 Standards, guidelines, and plans.

(a) NRCS conducts soil surveys under national standards and guidelines for naming, classifying, and interpreting soils and for disseminating soil survey information.

(b) A soil survey Memorandum of Understanding (MOU) is prepared prior to the start of each soil survey project, or a work plan is prepared for soil survey maintenance activities. These documents provide specific details and technical specifications to support the interpretive and data needs of the area to be surveyed. The MOU is signed by representatives of NRCS, land grant universities, and in some States representatives of other State agencies. Federal land administering agencies also sign the MOU if federal lands are included in the survey.

§ 611.11 Soil survey information.

(a) Availability. NRCS disseminates soil survey information to the public by any of the means described in paragraph (d) of this Section. NRCS makes soil survey information available as soon as is practicable following field work or other soil survey activity that provides new soil survey information.

(b) Content. Soil survey information conforms with standards and meets the needs identified in the soil survey MOU or work plan as described in Section 611.10 of this Part. Soil survey information includes:

- (1) Soil maps that delineate the location and extent of various soil areas;
- (2) Soil characteristics for each of the soil areas shown on soil maps;
- (3) Interpretations of the soil characteristics; and
- (4) Information about the source, version, and applicability or limitations associated with the soil survey information.

(c) Maintenance. Soil survey information is reviewed on a periodic basis to ensure that the information continues to meet evolving needs.

(d) Distribution. Soil survey information is disseminated to the public through electronically accessible maps and reports, electronic access to data files, or printed documents. To the extent practicable, as limited by commonly accepted technology, soil survey information is disseminated in electronic form.

(e) Resource conservation plan data. Information prepared specifically for use in developing resource conservation plans for soil conservation district cooperators is considered confidential. Soil maps and interpretations prepared for this use will not be made available to others without the consent of the landowner as well as the district governing body. However, soil survey information from which the conservation plan was developed may be disseminated as described in paragraph (a) of this section.

#### Subpart C--Cartographic Operations

##### § 611.20 Function.

The NRCS National Cartography and Geospatial Center provides cartographic services needed to carry out NRCS functions. Cartographic services include general cartography,

photogrammetry, aerial photography, planimetric and topographic mapping, drafting, and specialized types of reproduction.

§ 611.21 Availability of aerial photography.

The National Cartography and Geospatial Center obtains necessary clearance for all aerial photography for NRCS. New aerial photography of designated areas in the United States is obtained yearly by NRCS through competitive contracting. This photography is obtained only after it is determined that imagery of these areas available from other sources does not meet NRCS scale and quality requirements. Orders for reproductions of NRCS aerial photography are subject to the fee schedule cited in Sec. 1.2(b) of this title. Order reproductions from the National Cartography and Geospatial Center; USDA – Natural Resources Conservation Service; P.O. Box 6567, FWFC-Bldg. 23; 501 W. Felix Street; Fort Worth, Texas 76115.

§ 611.22 Availability of satellite imagery.

Cloud-free maps of the United States based on imagery received from a satellite are prepared and released to the public by NRCS. The maps offer the first image of the United States not obscured by clouds or distortions. Orders or requests for information should be directed to the National Cartography and Geospatial Center, USDA – Natural Resources Conservation Service; P.O. Box 6567, FWFC-Bldg. 23; 501 W. Felix Street; Fort Worth, Texas 76115. Orders are subject to the fee schedule cited in Sec. 1.2(b) of this title.

Signed in Washington, D.C. on \_\_\_\_\_, 2004.

BRUCE I. KNIGHT

Chief

### **Exhibit 3 - Notice Document**

**Billing Code: 3410-16**

**DEPARTMENT OF AGRICULTURE**

**Natural Resources Conservation Service**

**Notice of Meeting of the Agricultural Air Quality Task Force**

**AGENCY:** Natural Resources Conservation Service (NRCS), USDA

**ACTION:** Notice of Meeting.

**SUMMARY:** The Agricultural Air Quality Task Force (AAQTF) will meet to continue discussions on critical air quality issues in relation to agriculture. Special emphasis will be placed on obtaining a greater understanding about the relationship between agricultural production and air quality.

**DATES:** The meeting will convene on Wednesday, June 22, 2005, from 8:00 a.m. to 5:00 p.m., and will resume on Thursday, June 23, 2005, from 8:00 a.m. to 4:30 p.m. Individuals with written materials, and those who have requests to make oral presentations, should contact NRCS, at the address on the following page, on or before June 8, 2005.

**ADDRESSES:** The meeting will be held at the Ambassador Hotel, 3100 I-40 West, Amarillo, Texas; telephone: (806) 358-6161. Written material and requests to make oral presentations should be sent to Elvis L. Graves, Acting Designated Federal Official, NRCS, 400 East Northwood Street, Suite 410, Greensboro, North Carolina 27401.

**FOR FURTHER INFORMATION, CONTACT:** Questions or comments should be directed to Elvis L. Graves, Acting Designated Federal Official; telephone: (336) 370-3347, extension 421; fax: (336) 370-3376; email: [elvis.graves@gnb.usda.gov](mailto:elvis.graves@gnb.usda.gov).



**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information concerning the AAQTF, may be found on the World Wide Web at <http://aaqtf.tamu.edu/>.

**Draft Agenda of the June 22-23, 2005, Meeting of the AAQTF:**

- A. Welcome to Amarillo, Texas
  - 1. Local and NRCS officials
- B. Discussion of Minutes from Meeting of Previous Task Force
- C. Discussion of Documents to be Approved by the End of the Meeting and Subsequently Presented to Secretary Johanns
- D. Subcommittee Presentations
  - 1. Emerging Issues Committee Report
  - 2. Research Committee Report
  - 3. Policy Committee Report
  - 4. Education/Technology Transfer Committee Report
- E. Local Research Presentations
  - 1. Texas A&M University – Field Research
- F. Regional Haze Rule – Rural Particle and Ammonia Monitoring Programs
- G. Environmental Protection Agency Update
- H. Pesticide Volatile Organic Compounds
- I. Next Meeting, Time and Place
- J. Public Input

(Time will be reserved before lunch and at the close of each daily session to receive public comment. Individual presentations will be limited to 5 minutes).

Procedural

This meeting is open to the public. At the discretion of the Chair, members of the public may give oral presentations during the meeting. Those persons wishing to make oral presentations should notify Mr. Graves no later than June 8, 2005. A person submitting written material that would like a copy distributed to each member of the committee in advance of the meeting should submit 30 copies to Mr. Graves no later than June 8, 2005.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, please contact Mr. Graves. The Department of Agriculture (USDA) prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA (not all prohibited bases apply to all programs). Persons with disabilities who require alternate means for communication of program information (Braille, large print, audio tape, etc.) should contact the USDA's Target Center at (202) 720-2000 (voice and TDD). USDA is an equal opportunity provider and employer.

Signed in Washington, D.C. on \_\_\_\_\_, 2005

BRUCE I. KNIGHT

Chief

3.9 What should my notice document look like?

